

REMARKS

Claims 1-42, 45-101 and 103-113 are pending in the present application. With entry of this Amendment, Applicants amend claims 1-5, 7-11, 93, 94, 99 and 100. Reexamination and reconsideration are respectfully requested.

The Examiner rejected the pending claims under 35 U.S.C. § 103(a) as being unpatentable over James (US 6069310) in view of Lin et al. (US 6366791) and Akira (JP-8106282). The rejection is respectfully traversed.

A. Independent claims 1, 7, 13, 19, 55, 61, 71, 77, 93-96, 105, 106, 109 and 110

Independent claims 1, 7, 13, 19, 55, 61, 71 and 77 are directed to an electronic musical instrument. All of these claims (including amended claims 1 and 7) recite that the electronic musical instrument comprises a coupling block for coupling the electronic musical instrument with a portable telephone terminal. Furthermore, claims 1, 13, 61 and 77 recite that music information processed by the electronic musical instrument is fed to the portable telephone terminal for transfer of the music information to a public communication network by the portable telephone terminal. Claims 7, 19, 55 and 71 recite that music information is received by the portable telephone terminal from the public communication network for processing by the electronic musical instrument.

1. James, Lin and Akira do not disclose an electronic musical instrument comprising a coupling block for coupling with a portable telephone terminal.

Applicants respectfully submit that James, Lin and Akira do not disclose an electronic musical instrument comprising a coupling block for coupling with a portable telephone terminal.

In James, the player pianos 10 and 40 are connected with computer systems 100 and 110 respectively (see, e.g., Fig. 1). The Examiner has acknowledged that James does not disclose portable telephone terminals and, thus, fails to disclose player pianos having a coupling block for coupling to portable telephone terminals.

Lin does not even disclose an electronic musical instrument. In Lin, a mobile station 20 downloads ringing tone patterns (see, e.g., Fig. 2). Lin does not disclose an electronic musical instrument coupled to the mobile station 20. Computer 21 in Fig. 2 is merely a tool for accessing the web server 40 and the information therein (see, e.g., Col. 3, lines 26-30, 39-42, 47-48 and 60-63 and Col. 4, lines 1-11). There is no disclosure or suggestion in Lin that computer 21 is an electronic musical instrument and, thus, fails to disclose an electronic musical instrument comprising a coupling block for coupling to a portable telephone terminal.

Akira discloses an electronic musical instrument with a telephone 14. Akira does not disclose or suggest that the telephone 14 is portable (see paragraph 56 of the translation) and, thus, fails to disclose or suggest that the electronic musical instrument comprises a coupling block for coupling to a portable telephone terminal.

Accordingly, Applicants respectfully submit that claims 1, 7, 13, 19, 55, 61, 71 and 77 are patentable over James, Lin and Akira, because none of the references discloses an electronic musical instrument comprising a coupling block for coupling with a portable telephone terminal.

2. James, Lin and Akira do not disclose an electronic musical instrument comprising either a control block or a memory block to feed music information to a portable telephone terminal or receive music information from a portable telephone terminal.

Applicants respectfully submit claims 1, 7, 13, 19, 55, 61, 71 and 77 are patentable over James, Lin and Akira for at least another reason. James, Lin and Akira do not disclose an electronic musical instrument comprising either a control block or a memory block for feeding or passing music information to a portable telephone terminal or receiving music information from a portable telephone terminal.

As discussed above, James does not disclose a portable telephone terminal and, thus, does not disclose the player pianos as having a control block or memory block to feed or pass musical information to or receive musical information from a portable telephone terminal. Lin does

not disclose that computer 21 is an electronic musical instrument and, thereby, fails to disclose that computer 21 has the control block or memory block to feed or pass musical information to or receive musical from mobile station 20. In Akira, the telephone 14 is merely used to establish a connection to a destination. The actual communication of the music data is performed by the modem 6 and not a telephone (see, e.g., paragraphs 44, 59 and 60 of the translation).

Accordingly, Applicants respectfully submit that claims 1, 7, 13, 19, 55, 61, 71 and 77 are also patentable over James, Lin and Akira, because James, Lin and Akira do not disclose an electronic musical instrument comprising either a control block or a memory block to feed music information to a portable telephone terminal or receive music information from a portable telephone terminal.

3. There is no motivation to combine James, Lin and Akira.

Aside from the reasons set forth above, Applicants further submit there is no motivation to combine James, Lin and Akira to reject claims 1, 7, 13, 19, 55, 61, 71 and 77. As discussed previously, there is no motivation to combine James and Lin, because the combination would destroy the intended function of James to transfer music to the player piano 40. Lin's mobile station 20 – rather than computer 21 – is the final destination of the ringing tone pattern (see, e.g., Col. 2, lines 32-43).

The Examiner apparently acknowledges this point and, thus, cites Akira as showing transferring data from a portable telephone terminal. The Examiner claims that it would be obvious to combine Akira's portable telephone terminal with the mobile station 20 of Lin and the wireless computer used in James in view of their common mobility. However, Akira not only fails to disclose the deficiencies of James and Lin, but it also does not provide the asserted suggestion for combination. As discussed above, the telephone 14 of Akira does not transfer data and, therefore, cannot be cited to cover the deficiencies of James and Lin. Moreover, Akira does not disclose telephone 14 as being portable, thereby failing to provide the suggestion or motivation for combination asserted by the Examiner. Accordingly, Applicants respectfully submit that claims 1, 7, 13, 19, 55, 61, 71 and 77 are patentable over the cited references.

Applicants respectfully submit that claims depending respectively from these independent claims are likewise patentable over the cited references for at least the three reasons set forth above. Applicants note that dependent claims 2-5 and 8-11 have been amended in view of the amendments to claims 1 and 7.

Independent method claims 93-96 and 105, 106, 109, 110 are directed to a method of operating an electronic musical instrument. These claims (including amended claims 93 and 94) recite coupling the electronic musical instrument to a portable telephone terminal. The claims further describe a step of controlling the electronic music instrument to feed or pass music information to a portable telephone terminal or receiving or memorizing music information from a portable telephone terminal. Accordingly, for at least the three reasons set forth above, these claims are patentable over the cited references.

B. Independent claims 25, 31, 87, 97, 98 and 113

Independent claims 25, 31 and 87 are directed to a portable telephone terminal. All of these claims recite “a coupling block that is coupled to the electronic musical instrument”

1. James, Lin and Akira do not disclose a portable telephone terminal comprising a coupling block for coupling to an electronic musical instrument.

Applicants respectfully submit that James, Lin and Akira do not disclose a portable telephone terminal comprising a coupling block for coupling to an electronic musical instrument.

James does not disclose a portable telephone terminal at all, and Akira's telephone 14 is not disclosed as being portable. As discussed above, there is no disclosure or suggestion in Lin that mobile station 20 in Lin is connected to an electronic musical instrument.

Accordingly, Applicants respectfully submit that claims 25, 31, and 87 are patentable over James, Lin and Akira, because none of the references discloses a portable telephone terminal comprising a coupling block for coupling to an electronic musical instrument.

2. James, Lin and Akira do not disclose a portable telephone terminal comprising either a control block for passing received music information to an electronic musical instrument or a communication block for transmitting or transferring music information from an electronic musical instrument.

Applicants respectfully submit claims 25, 31 and 87 are patentable over James, Lin and Akira for at least another reason. Claim 25 recites a control block that for passing received music information to the electronic musical instrument. Claims 31 and 87 recite a communication block to transmit or transfer music information from the electronic musical instrument to a public communication network. James, Lin and Akira do not disclose a portable telephone terminal comprising either a control block for passing received music information to an electronic musical instrument or a communication block for transmitting or transferring music information from an electronic musical instrument.

As discussed above, the mobile station 20 of Lin does not transmit or receive musical information from an electronic musical instrument and, thus, does not have the recited blocks. In Akira, the telephone 14 does not transmit or receive musical information at all. And James does not even disclose a portable telephone terminal.

Accordingly, Applicants respectfully submit that claims 25, 31 and 87 are also patentable over James, Lin and Akira, because James, Lin and Akira do not disclose a portable telephone terminal comprising either a control block for passing music information to an electronic musical instrument or a communication block for transmitting or transferring music information from an electronic musical instrument.

3. There is no motivation to combine James, Lin and Akira.

Applicants respectfully submit there is no motivation to combine James, Lin and Akira to reject claims 25, 31 and 87 for the same reasons discussed above with respect to claims 1, 7, 13, 19, 55, 61, 71 and 77.

Applicants respectfully submit that claims depending respectively from these independent claims are likewise patentable over the cited references for at least the three reasons set forth above.

Independent method claims 97, 98 and 113 are directed to a method of operating a portable telephone terminal. These claims recite coupling the portable telephone terminal to an electronic musical instrument. Claim 97 further recites passing music information received by the portable telephone terminal to the electronic musical instrument. Claims 98 and 113 describe receiving musical information from the electronic musical instrument. Accordingly, for at least the three reasons set forth above with respect to claims 25, 31 and 87, these claims are patentable over the cited references.

C. Independent claims 37, 39, 67, 69, 83, 85, 99, 100, 107, 108, 111 and 112

Claims 37, 39, 67, 69, 83 and 85 are directed to a system comprising an electronic musical instrument and a portable telephone terminal, while claims 99, 100, 107, 108, 111 and 112 are directed to a method of operating or using such a system. Applicants respectfully submit these claims are patentable for at least the reasons set forth above under headings A. and/or B. Applicants respectfully submit that any claims depending respectively from these independent claims are likewise patentable over the cited references.

Applicants note that claims 99 and 100 have been amended to better claim the invention.

D. Independent claims 41 and 101

Claim 41 is directed to a portable telephone terminal that transmits music information to a public communication network. As discussed above, James does not disclose a portable telephone terminal. In Lin, the mobile station 20 does not transmit music to a public communication network, but rather receives a ringing tone pattern from the Internet (see, e.g., Col. 2, lines 32-43). In Akira, the telephone 14 does not transmit music information. Furthermore, there is no motivation to combine the references as discussed above. Accordingly, Applicants respectfully submit that claim 41 and its dependent claim 42 are patentable over the cited references.

Claim 101 is directed to a method of operating a portable telephone terminal and recites controlling the communication unit of the terminal to “transmit the passed music information to the public communication network” For at least the reasons discussed above with respect to claim 41, claim 101 is patentable over the cited references.

E. Independent claims 45, 50, 103 and 104

Claims 45 and 50 are directed to a mobile wireless terminal set that execute a remote control over functions of an electronic musical instrument through a public communications network. None of these references even suggest remote operations by a mobile wireless terminal set of an electronic musical instrument and, once again, the Examiner’s office action does not specifically cite to any sections disclosing the recitations of claims 45 and 50. Accordingly, Applicants respectfully submit that claims 45, 50 and their respective dependent claims are patentable over the cited references.

Claims 103 and 104 are directed to a method of operating a mobile wireless terminal set that execute the remote control discussed above. For at least the reasons discussed above with respect to claims 45 and 50, claims 103 and 104 are patentable over the cited references.

In view of the foregoing amendments and remarks, it is respectfully submitted that claims 1-42, 45-101 and 103-111 of the present application are in condition for allowance. If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032020500.

Dated: November 29, 2004

Respectfully submitted,

By 

Mehran Arjomand

Registration No. 48,231

MORRISON & FOERSTER LLP

555 West Fifth Street, Suite 3500

Los Angeles, California 90013

(213) 892-5630

Attorneys for Applicants